

**Assembly Joint Resolution**

**No. 43**

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**Introduced by Assembly Member Hill**

June 7, 2010

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Assembly Joint Resolution No. 43—Relative to television audio loudness.

LEGISLATIVE COUNSEL'S DIGEST

AJR 43, as introduced, Hill. Television: audio loudness.

This measure would urge the Congress and President of the United States to enact legislation to establish a standard that broadcasters and others can use to minimize the “audio loudness differential” in television.

Fiscal committee: no.

- 1 WHEREAS, Every year, television networks receive thousands  
2 of complaints from viewers bothered by commercials that seem  
3 to be getting louder and louder; and  
4 WHEREAS, A television program has a mix of audio levels.  
5 There are loud and soft parts to build the dramatic effect and the  
6 peak levels of commercials are no higher than the peak levels of  
7 program content; and  
8 WHEREAS, To grab the consumer's attention, many  
9 advertisements use the highest decibel level of a television show  
10 as the baseline for a commercial's average loudness, just enough  
11 to remain within legal limits. Thus, the entire commercial is loud,  
12 including the voices, the music, and the sound effects; and  
13 WHEREAS, In addition to making their commercials as loud  
14 as the Federal Communications Commission (FCC) legally allows

1 them, marketers also use current technology to make commercials  
2 sound even louder than they are, like packing more sound energy  
3 into the midrange frequencies that the human ear is most sensitive  
4 to; and

5 WHEREAS, “Dynamic range compression,” is a tool used by  
6 sound engineers that amplifies the softest sounds. This decreases  
7 the difference in volume between the biggest and smallest waves.  
8 Compressed sound bombards the ear with more energy over a  
9 given period of time with an audio signal that sounds flatter but  
10 louder; and

11 WHEREAS, The problem is exacerbated by the mandated switch  
12 to digital television, because it produces a greater range of sound  
13 than analog television; and

14 WHEREAS, The FCC has been aware of excessively loud  
15 commercial advertisements on television and radio since at least  
16 1954; and

17 WHEREAS, The FCC has chosen to not regulate the volume  
18 of television commercials. However, broadcasters are required to  
19 have equipment that limits the peak power they can use to send  
20 out their audio and video signals. This means that the loudest  
21 television commercial should never be any louder than the loudest  
22 part of any television program; and

23 WHEREAS, Other countries, including Australia, Brazil, France,  
24 Israel, Russia, and the United Kingdom, have passed legislation  
25 or instituted regulations concerning the volume of commercials;  
26 and

27 WHEREAS, Television broadcasters and multichannel video  
28 programming distributors in the United States are aware of the  
29 problem, and an industry standards-setting body, the Advanced  
30 Television Systems Committee (ATSC), has developed the  
31 technical standards necessary to control variations in commercial  
32 loudness. ATSC’s membership approved the ATSC Recommended  
33 Practice: Techniques for Establishing and Maintaining Audio  
34 Loudness for Digital Television on November 4, 2009; and

35 WHEREAS, In an effort to address this concern and have the  
36 industry adopt standards that would decrease loudness, H.R. 1084,  
37 introduced by California Representative Anna Eshoo, passed out  
38 of the House of Representatives on December 15, 2009; and

39 WHEREAS, H.R. 1084, the Commercial Advertisement  
40 Loudness Mitigation Act, directs the FCC to prescribe a regulation

1 prohibiting advertisements accompanying video programming  
2 from: (1) being excessively noisy or strident; (2) having modulation  
3 levels substantially higher than the accompanying program; and  
4 (3) having an average maximum loudness substantially higher than  
5 that of the accompanying program; and

6 WHEREAS, H.R. 1084 requires the FCC to adopt those  
7 recommendations as regulations within a year of it being adopted;  
8 and

9 WHEREAS, A similar measure, S. 2847, has been introduced  
10 by Rhode Island Senator Sheldon Whitehouse; now, therefore, be  
11 it

12 *Resolved by the Assembly and the Senate of the State of*  
13 *California, jointly*, That the Legislature urges the Congress and  
14 the President of the United States to enact legislation to establish  
15 a standard that broadcasters and others can use to minimize the  
16 “audio loudness differential” in television that is bothersome to  
17 many people; and be it further

18 *Resolved*, That Chief Clerk of the Assembly transmit copies of  
19 this resolution to the President and Vice President of the United  
20 States, to the Speaker of the House of Representatives, the Majority  
21 Leader of the Senate, and to each Senator and Representative from  
22 California in the Congress of the United States.